

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C 07-4518 MHP (pr)

JAMES E. BRYANT,

ORDER OF TRANSFER

Petitioner,

v.

KEN CLARK, warden,

Respondent.

Petitioner filed a petition for writ of habeas corpus to challenge prison officials' calculation of time credits for his sentence. Petitioner is incarcerated, and the time credit calculations apparently occurred, at the state prison in Corcoran, which is in Kings County. Kings County is within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a time credit calculation claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is confined in the Eastern District of California and challenging the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: November 15, 2007


Marilyn Hall Patel
United States District Judge